



UNITED STATES MARINE CORPS
MARINE FORCES RESERVE
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

ForO 5000-138.1
ESGR

JUL 19 2017

FORCE ORDER 5000-138.1

From: Commander
To: Distribution List

Subj: EMPLOYER SUPPORT OF THE GUARD AND RESERVE PROGRAMS

Ref: (a) DoD Directive 1250.1
(b) NCESGR Instruction 1250.28
(c) DoD Instruction 1205.12
(d) ForO 4631.1
(e) NCESGR Instruction 1250.22
(f) ForO 3060.17B
(g) MCO 5420R.15B

Encl: (1) Sample ESGR Representative Appointment Letter
(2) Annual ESGR Report
(3) ESGR Programs
(4) Sample Employer Notification Letter
(5) Sample Employer Intent to Return to Work Letter

1. Situation

a. Background. Reserve Marines and Sailors play a vital role in the Marine Corps national defense mission, but the balance between military and civilian life can be delicate. Worrying over civilian employment issues while on duty can impact individual and unit readiness. In order to reduce stress on individuals serving in the military Reserve and National Guard, the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 was enacted to protect service members' civilian employment rights. Employment Support of the Guard and Reserve (ESGR), a Department of Defense (DoD) office, was established in 1972 to promote cooperation and understanding between Reserve Component service members and their civilian employers and to assist in the resolution of conflicts arising from employees' military commitments. The ESGR network has more than 4,700 volunteers in all 50 states, the District of Columbia, Guam-Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico and the United States Virgin Islands.

b. Inspector-Instructors (I-I), site support staffs, and Commanding Officers (CO) should maintain a working relationship with the ESGR program managers and civilian employers to the benefit of our Marines and family members.

c. This will enhance the mobilization readiness of our command and encourage continued military service by eliminating or minimizing the disadvantages to civilian careers and employment, in accordance with USERRA and Title 38, United States Code.

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2. Cancellation. Force Order 5420.1A.

3. Mission. The purpose of this Order is to ensure Marine Forces Reserve (MARFORRES) personnel are knowledgeable of ESGR and its associated programs, assign responsibilities, and establish requirements for implementing and maintaining an effective ESGR program.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. MARFORRES personnel will have reference information about and access to all ESGR and related programs through annual training, Individual Ready Reserve (IRR) briefs, electronic communication, and collateral materials.

(2) Concept of Operations. As directed in this Order, commanders will ensure Reserve Component and Active-Duty Marines are informed about ESGR support programs.

b. ESGR Reserve Component Coordinator (RCC) Responsibilities

(1) Implement and manage the MARFORRES ESGR Program.

(2) Serve as the MARFORRES subject matter expert for all ESGR related matters and serve as the liaison between National ESGR Headquarters and all MARFORRES units, per reference (a).

(3) Keep abreast of all current ESGR programs, matters, and key points of contact within ESGR State Committees.

(4) Assist with providing I-I/unit commanders and unit ESGR representatives with required training tools and resources to conduct annual training and pre- and post-deployment briefs.

(5) Review data concerning ESGR Employer Awards, employer outreach, Employer Engagement days, and USERRA cases as reported from the Major Subordinate Command (MSC) ESGR representatives. This information can be used to assist in the development of documents such as the Command Chronology and Commander, MARFORRES Congressional Testimony.

(6) Coordinate MARFORRES internal media coverage of the ESGR Employer Awards Recognition Program. Provide guidance concerning the proper procedures for submission of awards as prescribed in reference (b).

(7) Identify critical activation issues and ensure they are reflected in the Force Readiness Assessment and Assistance Program (FRAAP) ESGR inspection checklist.

(8) Maintain and file FRAAP ESGR reports on unit inspections, as appropriate, for three years.

(9) Provide expert analysis of FRAAP ESGR inspection results and recommend corrective action as necessary.

(10) Provide training and updated information to FRAAP members as necessary.

(11) Augment FRAAP inspection teams with personnel as necessary.

c. Subordinate Element Missions

(1) MSC. Appoint an officer or Staff Noncommissioned Officer (SNCO) to be the MSC ESGR representative utilizing the format contained in enclosure (1).

(2) MSC ESGR representative

(a) Contact the MARFORRES ESGR RCC within one week of appointment in order to exchange contact information and receive relevant information.

(b) Familiarize yourself with the responsibilities outlined in paragraph 4.c.(4) and perform those tasks for the MSC headquarters element.

(c) Ensure all the subordinate units down to the detachment level appoint an ESGR representative. For some of the sites where the table of organization consists of only single digit sizes, it is understandable that the next higher echelon of command account for the detachment. Leadership will determine the appropriate action in these cases in order to ensure the intent of this Order is met. Detachment level ESGR representatives are appropriate because they serve as the local point of contact within the unit for ESGR state committee members.

(d) Serve as the liaison between the command, its subordinate units, and the MARFORRES ESGR RCC on all ESGR and USERRA matters.

(e) Provide an up-to-date roster of the MSC's subordinate units' ESGR representatives to the MARFORRES ESGR RCC.

(f) Keep the ESGR RCC informed and updated concerning all ESGR employer awards, employer outreach, employer engagement days, and USERRA cases. This information will help the ESGR RCC in preparing informational briefs for command reporting.

(3) Subordinate Unit COs

(a) Per guidance from paragraph 4.c.(2)(c), appoint an officer or SNCO from your unit to be the ESGR representative utilizing the format contained in enclosure (1). By the discretion of the command, appointment can be made in writing by smaller units via the I-I or detachment Officer-in-Charge (OIC).

(b) Ensure the unit ESGR representative's name and contact information is accurate and provided to the MSC ESGR representative upon change of status.

(c) Direct the unit ESGR representative to familiarize themselves with the responsibilities outlined in paragraph 4.c.(4) and perform them as required.

(d) Encourage, to the greatest extent possible, ESGR State Committee members and civilian employers of service members are invited to attend events such as family days, Marine Corps birthday celebrations, and employer engagement events.

(e) As part of the check-in process, ensure the ESGR unit representative is briefing new joins concerning ESGR programs and their basic rights under USERRA.

(f) Familiarize yourself with the annual ESGR report, (enclosure (2)), and complete as instructed in paragraph 4.c.(4)(k). Confirming that your unit is consistently performing as required will ensure that your Reserve members are receiving the critical information that they need in order to be protected.

(4) Unit ESGR Representatives

(a) Complete the USERRA 101 and 102 web-based tutorials. Links to this training can be found on the ESGR website or MARFORRES ESGR SharePoint site. Keep copies of the certificates in the ESGR turnover binder for the duration of the representative's assignment.

(b) Prominently display at least one copy of the "Your Rights Under USERRA" poster inside the unit space. The poster can also be downloaded from the MARFORRES SharePoint or website.

(c) Keep on hand ESGR/USERRA informational materials. Display and disseminate these materials during unit events such as family days, employer engagement days, and regularly scheduled drills. Materials can be obtained by contacting your state's Volunteer Support Technician (VST), which can be found on the state pages of the ESGR website. See paragraph 4.b of this Order.

(d) Take appropriate action when necessary to ensure ESGR programs are utilized by Marines and Sailors in need of assistance with their civilian employers.

(e) Ensure annual training is conducted, per reference (c), for all Select Reserve Marines and Sailors. In addition to annual training, refresher training is mandatory for all reserve Marines or Sailors who receive orders for 30 days or more. Training should cover the minimum requirements as outlined in reference (c), paragraph 1.b.(3). Training is encouraged to be conducted by a local ESGR approved volunteer. Contact your State's VST in order to coordinate. If there is not a volunteer available, the unit's ESGR representative is authorized to

provide the training. A power point presentation can be downloaded from the MARFORRES ESGR SharePoint site in order to assist in accomplishing this requirement.

(f) Maintain ESGR training attendance rosters for two years.

(g) Ensure Marines and Sailors are familiar with the ESGR awards program, reference (b), and encourage them throughout the year to nominate their employers based on their support while performing military duties. Include "How to nominate your employer for an ESGR award" in annual training. The awards and their descriptions are included in enclosure (3). Keep on hand, for reference, copies of the email receipts from the service members who nominate their employers for an award.

(h) Locally maintain up-to-date contact information for ESGR State Committee members in which unit members reside. Embolden all unit personnel to provide this information to their employers and encourage their employers to sign a Statement of Support.

(i) Inform and educate unit personnel about Employer Engagement Plans as discussed in reference (d).

(j) Familiarize yourself with the ESGR FRAAP checklist and ensure compliance with FRAAP requirements. Add value to the program by providing guidance, support, and resources to your reserve members as required. A copy of the checklist can be obtained from the MARFORRES G-7 or ESGR SharePoint site, or by contacting the ESGR RCC.

(k) Familiarize yourself with enclosure 2, and complete as instructed per this paragraph. The report must be completed by each unit's ESGR representative during the month of January and a copy forwarded to each unit's MSC ESGR representative and the MARFORRES RCC no later than 30 January of each calendar year. The unit ESGR representative will fill in the data requirements and answer the required questions in the report. The report will cover the previous calendar year's events and act as a self-analysis for the unit to gauge its readiness in preparation for the FRAAP inspection; it also ensures that the unit has a functioning ESGR program during the years the unit does not receive a FRAAP visit. The original signed Annual ESGR Report must be kept on file in the representative's turnover binder until the next report is conducted for FRAAP inspection purposes.

(l) As part of the check-in process, brief all new joins concerning USERRA.

(m) Ensure all reserve members are aware of, and utilize, the sample employer notification letters in enclosures (4) and (5).

(n) Maintain an ESGR turnover binder with all applicable information to include proof of compliance with the FRAAP checklist and annual ESGR report.

(o) Keep the MSC ESGR representative informed and updated concerning all ESGR employer awards, employer outreach, employer engagement days, and USERRA cases. This information will help the ESGR RCC in preparing informational briefs for command reporting.

5. Administration and Logistics

a. MARFORRES ESGR Coordinator will communicate directly with, and disseminate all information to the MSC ESGR representatives. MSC representatives will communicate directly with, and disseminate all information to, MARFORRES unit commanding officers and unit ESGR representatives who will, in turn, proactively communicate with their respective service members.

b. Unit commanding officers and ESGR representatives are encouraged to communicate directly with their ESGR state committee members, as necessary. Contact information is available at the below listed links:

(1) ESGR home site: <http://esgr.mil/>

(2) Find a state ESGR Program Support Technician or volunteer:
<http://esgr.mil/About-ESGR/Contact/Local-State-Pages.aspx>

(3) Nominate your employer for an award:
<http://esgr.mil/Employer-Awards/ESGR-Awards-Programs.aspx>

(4) MARFORRES ESGR Website:
<http://www.marforres.marines.mil/About/CommunityFamily/ESGR.aspx>

(5) MARFORRES ESGR SharePoint Site:
<https://sharepoint.marforres.usmc.mil/FRO/SitePages/ESGR.aspx>

c. For assignment of ESGR unit representatives, the definition for command or unit shall be interpreted to equal a detachment or higher. For some of the sites where the table of organization consists of only single digit sizes, it is understandable that the next higher echelon of command account for the detachment. Leadership will determine the appropriate action in these cases in order to ensure the intent of this Order is met.

d. Direct any questions or requests for assistance to the MARFORRES ESGR RCC, 504-697-8198 or DSN 647-8198.

6. Command and Signal

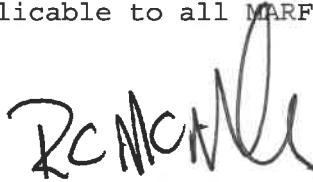
a. Command

(1) The subject-matter duty expert for ESGR matters is the MARFORRES ESGR RCC and all questions, suggestions, or changes pertaining to this Order should be forwarded to this person, 504-697-8198 or DSN: 647-8198.

(2) MSC ESGR representatives are responsible for the overall implementation of the ESGR program within their respective MSC.

(3) Unit commanding officers will be responsible for ensuring that their individual units implement ESGR programs to the fullest extent possible.

b. Signal. This Order is applicable to all MARFORRES units and is effective upon the date signed.

A handwritten signature in dark ink, appearing to read 'RC McMillian', is positioned above the printed name.

REX C. MCMILLIAN

DISTRIBUTION: D

Directives issued by this Headquarters are published and distributed electronically

Sample ESGR Representative Appointment Letter

UNITED STATES MARINE CORPS
(UNIT LETTER HEAD)

IN REPLY REFER TO:
ForO 5000-138.1
Section
Date

From: Commanding Officer
To: Staff Sergeant Help A. Marine 0123456789/XXXX USMC

Subj: APPOINTMENT AS THE EMPLOYER SUPPORT OF THE GUARD AND
RESERVE REPRESENTATIVE

Ref: (a) MCO 5420R.15B
(b) ForO 5000-138.1

1. Per reference (a), you are hereby appointed as the "**command/ unit**" Employer Support of the Guard Representative (ESGR). Upon this appointment you are encouraged to make liaison with your Marine Forces Reserve ESGR Reserve Component Liaison for required training within one week of this appointment as the "**command/unit**" ESGR representative.
2. Coordination and communication is essential to fully implement ESGR program at all levels in your (command/unit).
3. You shall familiarize yourself with all the references listed within reference (b) and ensure compliance with the assigned duties for your position.
4. Appointment will continue to be in force for the duration of your assignment unless otherwise directed.

I. M. COMMANDER

FIRST ENDORSEMENT

From: Staff Sergeant Help A. Marine 0123456789/XXXX USMC
To: Commanding Officer

1. I assume the responsibilities as the ESGR representative for (command/unit). I have read and understand the references pertaining to this appointment.
2. I will contact the MARFORRES ESGR Reserve Component Liaison within one week of this document becoming signed.

H. A. MARINE

Enclosure (1)

Annual ESGR Report Sample Letter

UNITED STATES MARINE CORPS
(UNIT LETTER HEAD)

IN REPLY REFER TO:
ForO 5000-138.1
Section
Date

From: (Unit representative rank/name) 0123456789/XXXX USMC
To: (Major Subordinate Command) Unit ESGR Representative

Subj: (UNIT NAME), ANNUAL EMPLOYER SUPPORT OF THE GUARD REPRESENTATIVE
REPORT

Ref: (a) ForO 5000-138.1

1. In accordance with the reference, the following annual Employer Support of the Guard Representative (ESGR) Report is submitted for (Unit Name).

- a. Unit:
Address:
Commanding Officer/OIC:
Phone Number:
- b. Unit ESGR Representative.
Rank/Full Name:
Phone Number:
E-mail Address:
- c. Does the unit have on file a copy of the signed ESGR representative appointment letter? (Y/N)
- d. Did the appointed ESGR representative complete the required training for Uniformed Services Employment and Reemployment Rights Act 101 and 102? (Y/N)
- e. Does the unit post or distribute copies of the "Your Rights Under USERRA" poster on the unit bulletin board or in a centralized location? (Y/N)
- f. Did the unit conduct ESGR training and maintain a roster of attendees, with date, location, and presenter of the lecture? (Y/N)
- g. For the state in which the unit resides, does the unit have the ESGR Program Support Technician's name and phone number on file? (Y/N)
- h. Does the unit have ESGR/USERRA information on hand for distribution during unit events such as drills, family day and pre/post deployment briefs? (Y/N)

I. D. MARINE

Enclosure (2)

ESGR Programs

1. "Uniformed Services Employment and Re-employment Rights Act" (USERRA) Advocacy

a. USERRA prohibits discrimination against persons because of their service in the Uniformed Service.

b. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership or performance of service, application for service, or obligation for service in the uniformed services.

c. USERRA protects the rights of veterans, Reservists, and National Guard members to reclaim their civilian employment after being absent due to military service or training.

d. The USERRA help desk is located in Alexandria, Va., and can be contacted at (800) 336-4590.

2. Ombudsman Services Program

a. The Ombudsmen Services Program was established to provide information, counseling and informal mediation of issues relating to compliance with USERRA.

b. The Ombudsmen Services Program provides information, informal mediation, and referral services to resolve employer-employee conflicts at no cost to the service member. ESGR is not an enforcement agency and does not offer legal counsel or advice. All requests for assistance are controlled by case number and are normally finalized within 14 days.

c. Every ESGR State Committee has trained ombudsmen who work as mediators between the employer and employee. Most work full time in the community and are volunteers for the ESGR State Committee.

3. ESGR Awards Program

a. This program enhances opportunity for both employment and reemployment positioning. Six awards are currently utilized by ESGR State Committee members. The awards program remains the conduit to nominate deserving employers for outstanding support.

b. ESGR has developed a sequential and progressive awards program that provides increasing levels of recognition based on civilian employer support of our Reserve members. The initial *Patriot Award* nomination begins a sequential process for consideration of more prestigious awards as the degree of support warrants. The highest level of recognition, the *Employer Support Freedom Award*, is ESGR's most esteemed award presented annually by the Secretary of Defense.

(1) Patriot Award. *Patriot Award* nominations may come only from Reserve members or their spouses. The *Patriot Award* is intended to

recognize individual civilian supervisors, not the organization as a whole. Marines or their spouses can easily nominate employers online at <http://esgr.mil/Employer-Awards/Patriot-Award/Form.aspx>. Total processing time is roughly 45 days. The certificate can be mailed to either the nominator's address or the ESGR State Committee who will arrange the appropriate presentation.

(2) Above and Beyond Award. Employers are nominated out of the pool of in-state *Patriot Award* recipients by the Field Committee chair; or upon approval, by the committee chair, executive director or program support specialist of that state. The *Above and Beyond Award* honors employers of Reservists who provide noteworthy support beyond basic requirements of USERRA. Examples of Above and Beyond support include continuation of benefits, providing pay differential and assisting with child care while the service member is executing military orders. Presentation of the award follows the same guidelines as the *Patriot Award*.

(3) Pro Patria Award. Employers are nominated out of the pool of in-state *Patriot* and *Above and Beyond* awardees who have signed a *Statement of Support*. The *Pro Patria Award* is the highest award that an ESGR State Committee may present to employers with in their state. Each calendar year, State Committees may present one *Pro Patria Award* to an employer in each of the following categories: Public Sector, Large Private Employer and Small Private Employer.

(4) Secretary of Defense Employer Support Freedom Award. Employers can be nominated by individual Marines, their family members or by their command. The Freedom Award is the highest recognition given by the U.S. government to civilian employers for their support of employees who serve in the Reserve or National Guard. The Secretary of Defense Employer Support Freedom Award is presented annually to the nation's 15 most supportive employers who have demonstrated exceptional support. The selection process seeks to identify those employers of Reserve and Guard service members who have provided significant support above and beyond that required by the USERRA. Nominations shall be submitted by the command or a family member via the Freedom Award Web site, www.freedomaward.mil. Nomination season is Nov. 1 to the third Monday in January at 1800 Eastern Standard Time.

(5) Seven Seals Award. Employers are awarded at the discretion of the Field Committee Chair in recognition of significant individual or organizational achievement, initiative, or support that promotes and supports the ESGR mission. This is the only ESGR award that is not a sequential and progressive employer award. Presentation of the award follows the guidelines as for the *Patriot Award*.

(6) Extraordinary Employer Support Award. ESGR's Extraordinary Employer Support Award was created to recognize sustained employer support of National Guard and Reserve service. Only prior recipients of the Secretary of Defense Employer Support Freedom Award or the *Pro Patria Award*, who have demonstrated sustained support for three years after receiving one of those awards, are eligible for consideration at the

committee level. Subsequent awards may be given in three-year increments from the initial award.

4. Employer Engagement Days. Employer engagement days are excellent opportunities for enhancing the relationship between the service member and civilian employer. They should be considered and executed.

a. Briefing with the Boss. Briefing with the boss events are intended to familiarize civilian employers with their Marine's or Sailor's military environment and obligations. The local commander can tailor events to highlight the local unit's unique nature or simply allow the employer to experience life as a Marine for a period of time. The employer engagement can be more effective if employers are allowed to observe or interact with their Marine or Sailor while performing their military duty. Examples of events can include command briefs, equipment displays, and observation of service members conducting exercises. ESGR will normally fund a meal for employers' during the day's activity. When interested in conducting an event, the unit ESGR representatives should contact their local ESGR State Committee members per reference (d).

b. Bosslift Program. Employer bosslifts are ESGR committee-sponsored events designed to enhance employers' awareness of the mission capability and proficiency of today's Reserve Forces and their significant contributions in protecting our Nation's defense. They are essentially the same event as a 'briefing with a boss', the only difference is that a bosslift involves some sort of transport of civilian employers in military equipment. It could be a ride in a tank, transport to a live-fire range via 7-ton or public affairs flight aboard an aircraft. More information about the bosslift program can be found in reference (e).

Sample Employer Notification of Uniformed Service

[Employee's Home Address]

[Date]

[Employer's Business Address]

****Send by Certified Mail, Return receipt requested***

Dear Sir/Madam:

I will perform service with the [service] beginning on [date] and ending on [date]. My absence from work for this period of military service is protected by the Uniformed Services Employment and Reemployment Rights Act, Title 38, United States Code Sections 4301-33.

My last day at work with you before I begin my military service will be [date]. I expect to return to work with you on or about [date].

****Note: Make sure your return date complies with Title 38, United States Code Section 4312.*** [During my absence, I can be reached at {give mailing address and telephone number, if known}] [During my absence, _____, telephone number (____) ____-____, will know how to reach me]

If you have any questions about the provisions of the Uniformed Services Employment and Reemployment Rights Act, the National Committee for Employer Support of the Guard and Reserve, toll-free telephone number 1-800-336-4590, will be happy to answer them.

Sincerely,

[Signature]

Original Received for Employer by:

[Printed Name and Signature]

Sample Employer Notification Intent to Return to Work

[Employee's Home Address]

[Date]

[Employer's Business Address]

****Send by Certified Mail, Return receipt requested***

RE: Application for Reinstatement - Uniformed Services Employment and Reemployment Act, Title 38, U.S. Code Section 4312

Dear Sir/Madam:

On [date], I entered active duty with the [service]. On [date], I was honorably released from active duty with the service.

Please accept this letter as a formal request to be reinstated in my former job. With your permission, I plan to report to work on [date]. Please call me at the number listed below if this date is not convenient. Pursuant to the Uniformed Services Employment and Reemployment Rights Act, Title 38, United States Code Sections 4301-33, I am entitled to be reinstated as soon as possible in my former position.

If you have any questions about the provisions of the Uniformed Services Employment and Reemployment Rights Act, the National Committee for Employer Support of the Guard and Reserve, toll-free telephone number 1-800-336-4590, will be happy to answer them.

Sincerely,

[Signature]

Original Received for Employer by:

[Printed Name and Signature]